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Customer Number

Patent

Case No.: 58927US004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: **XU, WENYUAN**

Application No.: **10/596,674**

Confirmation No.: **9269**

Filed: **December 17, 2004**

Title: **ESTIMATING PROPAGATION VELOCITY THROUGH A
SURFACE ACOUSTIC WAVE SENSOR**

RESPONSE TO RESTRICTION REQUIREMENT-ELECTION OF SPECIES

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR § 1.8(a)]

I hereby certify that this correspondence is being:

transmitted to United States Patent and Trademark Office on the date shown below
via the Office electronic filing system.

Date December 19, 2008 /Susan P. Gumatz/

Signed by: Susan P. Gumatz

Dear Sir:

This communication is in response to the outstanding Office Action, dated November 25, 2008, in the above-identified application, and is being filed within one month of that date. This communication is believed to be timely submitted. It is believed that no fee is due; however, in the event a fee is required, please charge the fee to Deposit Account No. 13-3723.

Claims 1-34 are pending. Claims 1-34 were restricted as to generic claim 1 with respect to the species identified as:

- 1) Algorithm 1;
- 2) Algorithm 2;
- 3) Algorithm 3; or
- 4) Algorithm 4.

The species were subjected to restriction as allegedly lacking unity of invention because they purportedly are not so linked as to form a single general inventive concept November 25, 2008

Applicants provisionally elect species (1), corresponding to Algorithm 1. The claims which read on the elected species are generic claims 1-4, 9-15, 20-26, 31-34; and non-generic dependent claims 5, 16 and 27. Applicant respectfully submits that if claim 1 is found allowable